

Exhibit 3

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT CALIFORNIA

3 OAKLAND DIVISION

4 ---oOo---

5
6 PLEXXIKON INC.,

7 Plaintiff,

8 vs.

No. 4:17-cv-04405-HSG

9 NOVARTIS PHARMACEUTICALS
10 CORPORATION,

11 Defendant.
_____ /

12
13
14 HIGHLY CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

15 VIDEOTAPED DEPOSITION OF ALEXANDER BRIDGES, PH.D.

16 SAN FRANCISCO, CALIFORNIA

17 THURSDAY, APRIL 18, 2019

18
19
20
21 BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

22 CSR LICENSE NO. 9830

23 JOB NO. 237858
24
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HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Transcript of Alexander Bridges, Ph.D.

Conducted on April 18, 2019

2

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5 PLEXXIKON INC.,

6 Plaintiff,

7 vs.

No. 4:17-cv-04405-HSG

8 NOVARTIS PHARMACEUTICALS
9 CORPORATION,

10 Defendant.
11 _____/

12
13
14 Videotaped Deposition of Alexander Bridges, Ph.D.,
15 taken on behalf of the Defendant, on Thursday,
16 April 18, 2019, at Durie Tangri, 217 Leidesdorff
17 Street, San Francisco, California, beginning
18 9:08 a.m., and commencing at 12:15 p.m., Pursuant
19 to Notice, and before me, ANDREA M. IGNACIO, CSR,
20 RPR, CRR, CLR ~ License No. 9830.
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3

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23 ALSO PRESENT: Lucien Newell, Videographer

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Conducted on April 18, 2019

99

1 And I was very confident that, in the last 11:48:32
2 step, one would be easily able to displace the amino 11:48:35
3 group. I do not know whether the Stille reaction -- 11:48:40
4 sorry -- whether the Suzuki reaction would have worked 11:48:44
5 with the free amine there, or whether one would have 11:48:48
6 had to protect the nitrogen in some way. 11:48:54

7 But I felt it was a higher probability that 11:48:57
8 one would get the reaction scheme to work in the 11:49:00
9 shortest number of steps by introducing the nitrogen 11:49:03
10 late on. 11:49:10

11 Q Now, focusing just on the reaction scheme 11:49:10
12 that is disclosed in the patent and nothing more, 11:49:14
13 would you agree with me that there are a substantial 11:49:16
14 number of compounds covered by these claims, where L1 11:49:18
15 is a bond that could not be made by that method 11:49:21
16 disclosed in Plexxikon's patents? 11:49:24

17 A I would be surprised if every possible 11:49:29
18 compound which could be in Plexxikon's patent could be 11:49:32
19 made via a Suzuki coupling. 11:49:37

20 And what I don't know, and in many ways is 11:49:43
21 more pertinent, is whether any compounds which could 11:49:46
22 conceivably be of interest could be made that way. 11:49:50
23 It's also possible that not all of them could. 11:49:53

24 Q But I'm asking a slightly different question. 11:49:55

25 Wouldn't you agree that there are indeed a 11:49:57

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Conducted on April 18, 2019

100

1 substantial number of compounds, that would be covered 11:50:00
2 by the claims where L1 is a bond that could not be 11:50:04
3 made by the specific method disclosed in Plexxikon's 11:50:08
4 patents in Scheme 2? 11:50:15

5 A I am sure there are such compounds, yes. 11:50:16

6 Q Would you agree with me that there are a 11:50:18
7 substantial number of such compounds that would be 11:50:20
8 covered by the claims, where L1 is a bond that could 11:50:23
9 not be made by the process disclosed in Scheme 2? 11:50:27

10 A There would be substantial numbers, yes. 11:50:30

11 Q All right. 11:50:32

12 Now, if the only method that you knew of for 11:50:32
13 making compounds of the asserted claims, where L1 was 11:50:39
14 a bond, was the scheme disclosed in Example 2 of the 11:50:42
15 patents, you wouldn't have possession of a method of 11:50:45
16 making the full scope of the claimed compounds where 11:50:47
17 L1 is a bond; right? 11:50:51

18 MR. SAMUELS: Objection; calls for a legal 11:50:53
19 conclusion. 11:50:54

20 THE WITNESS: I -- 11:50:55

21 MR. SAMUELS: You can answer. 11:51:03

22 THE WITNESS: Could you repeat the question, 11:51:03
23 please. 11:51:03

24 MR. STEINDLER: Sure. 11:51:04

25 Q If the only method that you knew of for 11:51:04

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101

1 making compounds of the asserted claims, where L1 was 11:51:09
2 a bond, was this scheme disclosed in Example 2 in the 11:51:12
3 patents, you wouldn't have possession of a method of 11:51:16
4 making the full scope of the claimed compounds where 11:51:18
5 L1 is a bond? 11:51:22

6 MR. SAMUELS: Objection; calls for a legal 11:51:25
7 conclusion. 11:51:27

8 You may answer. 11:51:27

9 THE WITNESS: I believe your statement is 11:51:28
10 correct. 11:51:29

11 MR. STEINDLER: Q. The synthetic scheme 11:51:29
12 disclosed in the patents in Example 2 for the 11:51:38
13 synthesis of compounds, where L1 is a bond, would not 11:51:41
14 have enabled a person of ordinary skill in the art to 11:51:45
15 make the full scope of the claimed compounds where L1 11:51:49
16 is a bond; right? 11:51:54

17 MR. SAMUELS: Objection; calls for a legal 11:51:55
18 conclusion. 11:51:56

19 You may answer. 11:51:56

20 THE WITNESS: I believe that, given the full 11:51:57
21 scope would be that described in the Markush generic, 11:52:03
22 that that is probably true. 11:52:09

23 And it's probably true for virtually every 11:52:10
24 patent which -- sorry -- contains such a Markush 11:52:15
25 generic. It's just part of the nature of the beast. 11:52:22

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Conducted on April 18, 2019

102

1 MR. STEINDLER: Q. So the disclosure in the 11:52:25
2 patents in Example 2 for the synthesis of compounds, 11:52:26
3 where L1 is a bond, does not show that the inventors 11:52:32
4 themselves were in possession of a method for making 11:52:37
5 the full scope of the claimed compounds where L1 is a 11:52:40
6 bond; correct? 11:52:44

7 MR. SAMUELS: Objection; calls for a legal 11:52:45
8 conclusion. 11:52:46

9 THE WITNESS: I would say that you are 11:52:47
10 probably correct. 11:52:51

11 But I would say that you could probably make 11:52:52
12 that statement about any patent, where there are such 11:52:54
13 Markush claims. 11:53:02

14 (Document marked Exhibit NDX 101 11:53:13
15 for identification.) 11:53:13

16 MR. STEINDLER: Handing you what's been 11:53:13
17 marked as NDX Exhibit 101, which are three different 11:53:14
18 compounds that I've drawn out. 11:53:23

19 Q I'm going to ask you to take a look at 11:53:30
20 Compound 1 first. 11:53:32

21 A (Witness complies.) 11:53:32

22 Q Do you see it? 11:53:38

23 A Yes, I do. 11:53:39

24 Q This is a compound that falls within the 11:53:45
25 scope of Plexxikon's patent claims, where L1 is a 11:53:49

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114

CERTIFICATE OF REPORTER

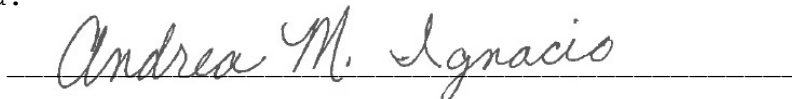
I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [] was [x] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated:



ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830